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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
LEGAL ENFORCEMENT PROGRAM
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

FACSIMILE COVER

DATE: June 27, 2000

TO: William Duffy, Esq.

AGENCY/CO: Davis, Graham & Stubbs

CITY: Denver

STATE: CO

FAX NUMBER: (303) 893-1379

TEL #: (303) 892-7372

NUMBER OF PAGES (Including Cover Sheet): 9

FROM: Sheldon H. Muller

SENDER'S TELEPHONE NUMBER: (303) 312-6916

SENDER'S FAX NUMBER: (303) 312-6953

COMMENTS:

☒ HARD COPY TO FOLLOW

SENDER: _____

☐ HARD COPY WILL NOT BE SENT

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

JUN 14 2000

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe N. Averett, Jr. President
Crystal Gas Storage, Inc.
P.O. Box 21101
Shreveport, LA 71120

Re: Request For Information Pursuant to
Section 104 of CERCLA for the Rico-
Argentine Mine Site located in Dolores
County, Colorado

Dear Mr. Averett:

The United States Environmental Protection Agency ("EPA") is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Rico-Argentine Mine Site located near the Town of Rico, in Dolores County, Colorado (hereinafter referred to as the "Site") and is conducting response actions related to those releases. EPA is seeking to identify activities, materials, and parties that have contributed to contamination at the Site. EPA has learned that the Crystal Oil Company ("Crystal Oil") acquired the Rico-Argentine Mining Company ("RMC"), a company that owned property and conducted operations at the Site. EPA also has information that suggests that after several mergers and name changes, the currently existing Crystal Gas Storage, Inc. may be the corporate successor to Crystal Oil and RMC.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

Compliance with the Information Request set forth in Enclosure 1 is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA. This statute permits EPA to seek the imposition of penalties up to \$27,500 for each day of continued noncompliance. Please be further advised that provision of false, fictitious,



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or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Your response to this Information Request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this Information Request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this Information Request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this Information Request as Enclosure 2.


Your response to this Information Request should be mailed to:

**David L. Broste (8ENF-T)
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2466**

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Sheldon Muller, Attorney, Legal Enforcement Program at (303) 312-6916. David Broste is also available to discuss this Information Request at (303) 312-6209.

Thank you for your cooperation in this matter.

Sincerely,



Sharon Kercher, Director
Technical Enforcement Program,
Office of Enforcement, Compliance
and Environmental Justice

Enclosures



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**RICO-ARGENTINE MINE
INFORMATION REQUEST**

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 USC § 9604(e)(7)(E) and F, Section 3007(b) of RCRA, 42 USC § 6927(b), and 40 CFR § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, 41 Fed. Reg. #36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.



Definitions

The following definitions shall apply to the following words as they appear in this Enclosure 1:

1. The terms "you" or "Respondent" shall mean Crystal Gas Storage, Inc. and its predecessors, successors, parent companies, subsidiary companies, partners, officers, and directors, and specifically includes the Rico-Argentine Mining Company and the Crystal Oil Company (both the Louisiana and Maryland corporations).
2. The terms "Site" or "facility" shall, for purposes of this Information Request, mean and include those areas in and around Rico, Colorado, that are or were in any way associated with the Rico-Argentine Mine including, but not limited to, the St. Louis and Blaine Tunnels. The Site is located in Sections 24, 25, and 26, Township 40 North, Range 12 West, in Dolores County, Colorado.
3. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, main business phone, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its author, its addressees, its number if any (invoice or purchase order number), and the substance or the subject matter.
6. The term "property interest" means any interest in real property including, but not limited to, any ownership interest, including an easement or right of way, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, any leasehold, mineral and water rights, contracts or options to acquire property, and any interest as either the trustee or beneficiary of trust that owns or rents, property.
7. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601, et seq.; RCRA, 42 U.S.C. §§



6901, et seq.; or their regulations found at 40 CFR Part 300 or 40 CFR Part 260, et seq. respectively, in which case the statutory or regulatory definitions shall apply.



QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide accurate copies of all such documents.
4. Describe and provide documents that describe the terms and conditions of Crystal Oil Company's ("Crystal Oil") acquisition of the Rico-Argentine Mining Company ("RMC") in or around 1974. If RMC's existence as a separate corporate entity was ended or if the company changed names as a result of this acquisition or at any time after it, describe those events and provide related documents such as notices of dissolution, merger agreements, amendments to articles of incorporation, and related corporate resolutions.
5. Provide copies of the documents that describe the terms and conditions of the transactions that transformed Crystal Oil from a Maryland corporation to a Louisiana corporation.
6. Provide copies of the amendment to the articles of incorporation that changed the name of Crystal Oil to Crystal Gas Storage, Inc..
7. Provide a copy of the merger agreement between Crystal Gas Storage, Inc. (a Louisiana corporation) and El Paso Energy Acquisition Company, and provide documents that describe any subsequent changes in the name of the corporation.
8. Describe all property interests owned by RMC at the Site at the time that company was acquired by Crystal Oil.
9. Describe any and all transactions in which Respondent conveyed or acquired property interests at the Site. Describe the property conveyed or acquired, identify the parties to the transactions, and state the dates of each transaction.



10. Describe any and all records of RMC that currently exist that describe RMC's ownership of property at the Site or that describe the operations of RMC at the Site including those operations that in any way related to activities in or around the St. Louis and Blaine Tunnels. Describe where those records are currently located and identify the person who has custody of those records. EPA reserves the right to request copies of those records or access to them at a later date.
11. Provide the following information and records related to the bankruptcy proceeding initiated by Crystal Oil in or around 1986:
 - A. Identify the court where the bankruptcy petition was filed and provide the docket number of the action;
 - B. Provide the bankruptcy petition, the approved disclosure statement and plan of reorganization, the order of the court confirming the plan of reorganization, all orders of the court issued after confirmation of the plan of reorganization and a docket sheet showing all motions, pleadings and related items that were filed in the bankruptcy proceeding.
12. Provide all documents that describe the terms and conditions of or relate in any way to any sale or other transfer by Crystal Oil or its successors of all or a portion of RMC or any assets that were owned by RMC or any assets owned by Crystal Oil that related in any way to the Site. Provide all documents generated by Crystal Oil or its successors after any such sale or transfer that relate in any way to the Site.
13. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
14. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.



NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by _____ to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Rico-Argentine Mine Site located in Dolores County, Colorado.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the Information Request.
3. I hereby certify that the attached response to EPA's Information Request is complete and contains all information and documents responsive to the Information Request.

(Signature)

(Printed Name)

(Title)

(SEAL)

Subscribed and sworn to before me
this _____ day of _____, 2000.

Notary Public

My Commission Expires _____

My address is _____

